

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-12832

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| <p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 31, 2007 THOMAS K. KAHN CLERK</p> |
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D. C. Docket No. 04-22985-CV-JLK

ALCIDES ACOSTA,
ACOSTA FARMS, INC.,

Plaintiffs-Appellants,

versus

U.S. DEPARTMENT OF AGRICULTURE,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(May 31, 2007)

Before ANDERSON, BARKETT and COX, Circuit Judges.

PER CURIAM:

After oral argument and careful consideration, we conclude that the particular arguments asserted by appellants on appeal do not persuade us that the Department's interpretation of the relevant statute is unreasonable. The South Florida Water Management District owns the land and the trees, and suffered the loss when the trees were destroyed. Appellants do not seem to assert that they suffered the loss; and in light of the fact that their year-to-year lease renewals are subject to termination on written notice, they clearly have failed to prove that they suffered the loss. We agree with the district court that the statutory term "grower" is sufficiently ambiguous so that the Department's interpretation of it to include the owner of the trees is not unreasonable under the circumstances of this case.

AFFIRMED.